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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,751	09/23/2003	Michael T. Dobbertin	10235	1793

7590 11/28/2005

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/668,751

Applicant(s)

DOBBERTIN ET AL.

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 and 11- 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Wierszewski (US 5,826,157) in view of Malachowski et al. (US 5,337,135).

With respect to claims 1, 8, 9 and 16, Wierszewski teaches the image-forming production system and method having a marking engine 102 which has an output 88, an inserter 104 (Wierszewski, Figs. 1 and 2) which includes the insert supplies 112, 114 and 116c that feed insert sheets with the printed sheets received from the output of the marking engine and a controller 100 (Wierszewski, col.12 lines 3-6) for printing and placing insert sheets with the print sheets. Wierszewski does not clearly teach the controller which controls the speed of the insert sheets from the inserter. Malachowski et al. teaches a printing system having a controller 101 which controls the sheets feeding rate or the speed of the drives for feeding the sheets via a variable speed drive and the controller as shown in Figs. 1 and 2 of Malachowski. In view of the teaching of Malachowski et al., it would have been obvious to one of ordinary skill in the art to modify the image-forming production system of Wierszewski by substituting controller with a variable speed drive unit as taught by Malachowski to improve the efficiency of inserting the insert sheets with the printed sheets at a desired speed in place of the controller 100 of Wierszewski. With respect to claims 2-7 and 11-20, the selection of desired speed for feeding the sheet at a selected position in the feeding path would have been obvious through routine

experimentation in order to get best possible feeding rate in the image-forming production system. With respect to claim 10, the use of a stepper motor for adjusting the speed of the rollers is well known in the art as exemplified by Malachowski et al. (col.6, line 35).

### *Response to Arguments*

Applicants' arguments filed on September 06, 2005 have been fully considered but they are not persuasive of any error in the above rejections.

Applicant argues that the Wierszewski and Malachowski et al. do not teach the structure as recited in claim 1. Specially, applicant argues that Wierszewski does not teach the controller which increases or decreases the paper feed speeds.

However, as explained above, while Wierszewski does not teach the controller that increase or decrease the paper feed speeds, Wierszewski teaches the image-forming apparatus having a marking engine, an inserter including a plurality of insert supplies that feed insert sheets with the printed sheets received from the output of the marking engine and a controller for printing and placing insert sheets with the print sheets. Malachowski et al. teaches a controller that controls the sheets feeding rate so as to feed the sheets at variable speeds. The combination of Wierszewski and Malachowski et al. renders obvious the structure and method as recited in the claims.

### *Conclusion*

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

**A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL**

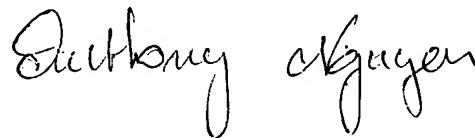
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AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169.

The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (571) 273-8300.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen  
11/21/05  
Patent Examiner  
Technology Center 2800